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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,092	12/11/2001	Laurence W. Davies	26998-241836	7674

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,092

Applicant(s)

DAVIES ET AL.

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-65 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-54 and 64, drawn to a method of making a pultruded part.
Independent claim 1 or claim 64 of this group requires “a reinforcing structure comprising a permeable transport web of staple fibers attached to a plurality of first reinforcing fibers oriented so that the portion of the first reinforcing fibers oriented in a direction transverse to the longitudinal axis comprises at least 40% of a volume of materials comprising the reinforcing structure” (emphasis added; **A**). Note: it would appear that there is a typographical error in the preamble of dependent claims 28-29 and 33. For the purpose of examining these claims, **these claims are assumed to be directed to method claims**. If it is NOT applicant's intention, then these claims would be separately assigned to a different group.
 - II. Claim 55, drawn to a method of making a pultruded part. Independent claim 55 requires “a reinforcing structure comprising a plurality of reinforcing first reinforcing fibers oriented in a direction transverse a the longitudinal axis attached to a permeably reinforcing sheet, the permeably reinforcing sheet comprising a plurality of first polymeric fibers comprising a first glass transition temperature and a plurality of bi-component fibers ...” (emphasis added; **B**).
 - III. Claim 56, drawn to a method of making a pultruded part. Independent claim 55 requires “a reinforcing structure comprising a plurality of first

reinforcing fibers oriented in a transverse direction thermally bonded to a permeably reinforcing sheet so that the reinforcing structure comprises a permeability of at least 180 ft³/minute/ft²” (emphasis added; C).

- IV. Claims 57-60, drawn to a method of making a pultruded part. Independent claim 57 requires “a reinforcing structure comprising a plurality of first reinforcing fibers oriented in a direction transverse a the longitudinal axis attached to a permeable transport web of staple fibers such that a ratio of a modulus of elasticity of the reinforcing structure in the transverse direction relative to a modulus of elasticity in the pull direction comprises at least 1.2” (emphasis added; D).
- V. Claim 61, drawn to a method of making a pultruded part. Independent claim 61 of this group requires “a reinforcing structure comprising a permeable transport web of staple fibers attached to a plurality of non-overlapping first reinforcing fibers oriented so that the portion of the first reinforcing fibers oriented in a direction transverse to the longitudinal axis comprises at least 30% of a volume of materials comprising the reinforcing structure” (emphasis added; E).
- VI. Claim 62, drawn to a method of making a pultruded part. Independent claim 62 requires “a reinforcing structure comprising a plurality of first reinforcing fibers oriented at 45° (+/-15°) relative to the pull direction, a plurality of second reinforcing fibers oriented at -45° (+/-15°) relative to the pull direction ...” (F).

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- VII. Claim 63, drawn to a method of making a pultruded part. Independent claim 63 requires *“a reinforcing structure comprising a plurality of first reinforcing fibers oriented at 60° (+/- 15°) relative to the pull direction, a plurality of second reinforcing fibers oriented at -60° (+/- 15°) relative to the pull direction ...”*. (G).
- VIII. Claim 65, drawn to a method of making a pultruded part. Independent claim 65 of this group requires *“a reinforcing structure comprising a permeable transport web of staple fibers attached to a plurality of first reinforcing fibers oriented in a transverse direction continuously across a width of the reinforcing structure”* (emphasis added; H).

The inventions are distinct, each from the other because of the following reasons:

Groups I-VIII are directed to distinct methods, where patentability in the independent claims of each group is based on divergent combination of method steps. For instance, independent claim 1 or 64 of group I requires patentably distinct method step **A**, but not B-H as required in each of the various groups. Similarly, the independent claim of each of the various groups require a certain patentably distinct method step, but does not require features required in other groups. The differences between these groups are critical and significant to the extent that the inventions constitute prima facie patentably distinct combinations, absent evidence to the contrary. This can readily and clearly be demonstrated by a side-by-side comparison of the independent claims, noted above. Similarities of the independent claims are merely

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superficial, since certain significant limitations in one of the groups find no counterpart in the other group(s) and vice versa.

Presently, no claim is generic. **Rejoinder of all non-elected groups of method will be considered, upon indication of allowable subject matter, depending on the basis thereof.**

2. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II-VIII, and vice versa, restriction for examination purposes as indicated is proper.

3. Because of the complexity of the restriction requirement, no telephone call was made to request an oral election to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and (703) 305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

scy
August 11, 2003